

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| LAWRENCE “POPPY” LIVERS, on his own behalf and on behalf of similarly situated persons v. NATIONAL COLLEGIATE ATHLETIC ASSOCIATION, a/k/a the NCAA, et al. | CIVIL ACTION NO. 17-4271 |
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ORDER RE: PRETRIAL

This Order follows an argument on a number of pretrial motions pending in this case. The Court will summarize only some orders made during the hearing, and counsel shall obtain and consult the transcript for full context of the Court’s rulings on these motions.

1. The Court will enter a protective order on confidentiality. The Court, in all cases, requires that counsel and the parties limit discovery for use in the litigation only and for no other purpose. The Court rejects Plaintiff’s position that the Third Circuit’s Pansy’s doctrine requires the Court to allow dissemination of the products of discovery in this case.

2. Defense counsel, having advised that they have accumulated approximately 15,000 documents in response to Plaintiff’s discovery motions, on the limitations issue, these documents shall be produced forthwith. Production shall start by November 9, 2018 and be completed by November 15, 2018, unless circumstances require that some documents not be produced until November 21, 2018, by which date Defendant will have made full production.

3. The Court has reviewed carefully the pending discovery requests of Plaintiff to Defendants, and finds that they are overbroad, not limited to the issue of “willfulness” which is the key issue at the present time in this case because of the Defendant’s position that Plaintiff’s claim is barred by the statute of limitations. Therefore, the Plaintiff’s motions to compel

discovery from Defendant are **DENIED**. (ECF 73 and 74).

4. For these reasons, Defendants' Motion for Protective Order (ECF 71) and for Confidentiality Order (ECF 76) as to Plaintiff's discovery are **DENIED** as **MOOT**.

5. The Court understands that Plaintiff has served Requests for Admissions and Defendant will respond by November 9, 2018. At the present time, discovery is limited to the issue of willfulness as related to the Defendants' position on the statute of limitations.

6. Plaintiff's counsel's letter to the Court dated November 2, 2018 will not be considered or docketed. If Mr. Livers will continue as a plaintiff, then the Court will set a deadline for completion of all discovery on the issue of willfulness and a briefing schedule, as related to Defendants' Motion to Summary Judgment on the issue of the statute of limitations.

7. Counsel will discuss procedural issues related to the new member of the collective class for whom Plaintiffs' counsel has filed a Notice of Joinder, and submit a joint, or separate, proposed pretrial order by November 15, 2018.

BY THE COURT:

/s/ **Michael M. Baylson**

Dated: November 2, 2018

MICHAEL M. BAYLSON
United States District Court Judge